

Resolution No. 21-32

RESOLUTION DIRECTING THE BUILDING OFFICIAL TO ISSUE A NOTICE OF VIOLATION RELATED TO THE REVOKED BUILDING PERMIT FOR THE PROPERTY LOCATED AT 565 NW 2nd STREET, AND AUTHORIZING SUBSEQUENT ACTIONS BY BUILDING OFFICIAL AND CITY CLERK

WHEREAS, the City Council of the City of Earlham, Iowa (the “City”) has previously entered into a Building Department Services Agreement dated March 14, 2019 with Veenstra & Kimm, Inc., pursuant to which agreement the City hired Veenstra & Kimm, Inc. to provide Building Official/Engineer services; and

WHEREAS, this Council has formally appointed Veenstra & Kimm, Inc. as the “Building Official” of the City for all matters related to the City’s Building Code and as the “Zoning Administrator” with respect to those provisions of the City’s Zoning Ordinance related to building permits; and

WHEREAS, the Building Official issued a building permit on July 22, 2020 for a new residential building on the property located at 565 NW 2nd Street in the City (the “Property”), but subsequently revoked the building permit on June 18, 2021, due to violations of the City’s Building Code; and

WHEREAS, the Council desires to formally direct the Building Official to proceed with service to the property owner and building permit applicant for the Property of a notice of violation pursuant to R113.2 of the Building Code.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF EARLHAM, IOWA THAT:

Section 1. The Building Official is hereby directed to proceed with the preparation of the notice of violation related to the Property, pursuant to R113.2 of the City’s Building Code (the 2015 International Residential Code), which notice should:

- a. Describe the deficiencies in the building that were noted during the last inspection of the Property on May 27, 2021;
- b. Establish a 30-day deadline to correct the identified deficiencies in the building on the Property;
- c. Identify the reasons for revocation of the July 22, 2020 building permit;
- d. Identify the applications and documents that must be submitted and/or re-submitted to the Building Official to complete construction on the Property and receive a certificate of occupancy for the building on the Property;

- e. Establish a 30-day deadline to submit all required applications and documents to the Building Official necessary to receive a certificate of occupancy for the building on the Property; and
- f. State that, if the 30-day deadline to correct the identified deficiencies in the building on the Property and submit all required applications and documents to the Building Official necessary to receive a certificate of occupancy for the building on the Property is not met, then the City shall institute the appropriate proceedings at law or in equity to restrain, correct, or abate the violations, and may require the removal or termination of unlawful occupancy of the building.

Section 2. The Building Official is hereby directed to prepare such notice of violation as soon as reasonably possible and to provide the notice to the County Sherriff to be personally served as soon as reasonably possible.

Section 3. If the 30-day deadline set forth in the notice of violation is not met and satisfied in all respects, then the Building Official and City Clerk are hereby authorized and directed to consult the City's legal counsel to determine and prepare to initiate the appropriate proceedings at law or in equity to restrain, correct, or abate the violations.

PASSED AND APPROVED THIS 12TH DAY OF JULY, 2021.

Jeff Lillie, Mayor

Attest: _____
Mary Sue Hibbs, City Clerk